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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,735	03/31/2004	Bharat V. Bedi	GB920030094US1	7199
7590 IBM Corporation IP Law Department 11400 Burnet Road Austin, TX 78758				
EXAMINER SHAW, PELING ANDY				
ART UNIT		PAPER NUMBER		
2144				
MAIL DATE		DELIVERY MODE		
06/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,735

Applicant(s)

BEDI ET AL.

Examiner

PELING A. SHAW

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 03/31/2004
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. This application has claimed priority on United Kingdom 0326915.6 filed on 11/19/2003. The filing date is 03/31/2004.

Claim Rejections - 35 USC § 112, second paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 11-13 and 19 are rejected under 35 U.S.C. 112, second paragraph as following:

- a. Claim 6 recites the limitation of "the message broker agent/server the network address" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. For the purpose of applying art, the limitation is read as "a message broker agent/server a network address" instead of.
- b. Claims 11-13 recite the limitation of "characterised in that the program code for causing said browser to ..." in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. For the purpose of applying art, the limitation is read as ""characterised in that said browser to ..."" instead of.
- c. Claim 19 recites the limitation of "Java applet or the link ..." in line 3. That renders the claim indefinite because the claim includes elements not properly disclosed, thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

For the purpose of applying art, the limitation is read as "Java applet ..." instead of.

Clarification and/or correction are required.

Claim Rejections - 35 USC § 101 Utility

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- a. Claim 22 recite the limitation of “Software code for implementing ...” in line 1. That is a software process, as being “directed to none of “process”, “machine”, “manufacture” or “composition of matter” and thus not a statutory subject matter. Thus it is rejected. For the purpose of applying art, the limitation is read as “A computer readable storage medium contains a software code when executed on a processor will perform the method as described in ...”
- b. Claim 23 recite the limitation of “a machine readable medium ...” in line 1. Since there is no specific description on this limitation in applicant’s specification of claim set, it could be interpreted as any media, including a carrier media conveyed via a communication medium such as a wired or wireless media. Since a carrier media does not comply with 35 U.S.C. 101 as being a “process”, “machine”, “manufacture” or “composition of matter”. Claim 23 is thus rejected. For the purpose of applying art, the limitation is read as “a machine readable storage medium ...” instead of. If the claim is ever allowed, applicant is required to provide a proper claim language and specification modifications with respect to this limitation.

Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassett et al. (US 6807558 B1), hereinafter referred as Hassett in view of Goodman et al. (US 7020697 B1), hereinafter referred as Goodman.

- a. Hassett shows (claim 1) a method of automatically reloading a page on a client computing device (column 1, line 57-column 2, line 5: user receives updated information either in response to automatic polling by push client software or in response to sending immediate information updates by server), characterised in that it comprises the steps of storing a page on a server (column 2, lines 22-51: information server stores information items and advertisement); transmitting a copy of the page to a browser of the client computing device in response to a request from said browser received at said server, said copy of the page being transmitted to the browser over a network connecting the client computing device to the server (column 3, lines 6-20: request and retrieve information); updating the content of the page stored on the server (claim 1 and 7: receive distributive information, determining updated information; column 2, lines 22-51: information server updates information items and advertisement; column 5, lines 46-61: selected and edited news stories are stored);

- simultaneously transmitting a message to said browser notifying it of a change in the content of the page (column 1, line 57-column 2, line 5: sending immediate information updates). Hassett does not explicitly show on receipt of said change content message, causing said browser to automatically request a copy of the updated page. However, Hassett also shows (column 9, line 57-column 10, line 6) local information updated as necessary; (column 1, lines 33-44) local workstation information, files and/or advertising display refresh; (column 15, lines 4-14 and 40-44) click and provide additional information; (column 16, lines 47-67) only downloading news items corresponding to the subscriber's user profile; and (column 32, lines 15-23) prefilter fetch.
- b. Goodman shows automatic requested information distribution synchronous or asynchronous push/pull services (column 110, line 33-column 111, line 4) in an analogous art for the purpose of architectures for netcentric computing systems.
 - c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Hassett's functions of utilizing information "push" technology with Goodman's functions of automatic information request and distribution.
 - d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to utilize Goodman's functions of automatic asynchronously or synchronously information updating as applied to publish/subscribe services as per Goodman (column 110, lines 46-59) and Hassett (column 1, line 57-column 2, line 5).

- e. Regarding claim 2, Hassett shows characterised in that the change message is generated by an application implementable by the server (column 16, lines 24-35: application server).
- f. Regarding claim 3, Hassett shows characterised in that the server is an application server (column 16, lines 24-35: application server).
- g. Regarding claim 4, Goodman shows characterised in that the change message is relayed to the browser of the client computing device by a message broker server (column 87, line 58-column 88, line 9: request broker messaging services).
- h. Regarding claim 5, Goodman shows characterised in that the message broker server comprises a publish/subscribe engine and in that the change message is communicated to the browser using a socket transport protocol (column 84, lines 8-15: HTTP over TCP/IP; column 85, line 56-column 86, lines 2: publish/subscribe messaging).
- i. Regarding claim 6, Hassett shows characterised in that it includes the steps of the client computing device browser registering with the message broker agent/server the network address of a page and the message broker agent/server determining on the basis of said registered network page address whether a received change message is to be communicated to the browser (column 28, lines 48-62: use root-level URLs).
- j. Regarding claim 7, Hassett shows characterised in that the browser registers with the message broker agent/server a plurality of network addresses for pages which are used by the message broker agent/server to determine if a received change message is

- to be communicated to the browser (column 2, lines 52-61: information items; column 28, lines 48-62: use root-level URLs).
- k. Claim 11 is of the same scope as claim 1. It is rejected for the same reasons as for claim 1.
- l. Regarding claim 12, Goodman shows characterised in that the program code for causing said browser to automatically request a copy of the updated page upon receipt of a change message is downloaded from the message broker agent/server (column 87, line 58-column 88, line 9: request broker messaging services).
- m. Regarding claim 13, Goodman shows characterised in that the program code for causing said browser to automatically request a copy of the updated page upon receipt of a change message comprises a Java applet embedded in a downloaded page (column 75, lines 14-20: Java applet on a HTML page; column 115, lines 16-26: downloaded at runtime or permanently stored on remote client workstations client business logic applications through Java applet).
- n. Regarding claim 14, Goodman shows characterised in that the browser embeds the Java applet into subsequently downloaded pages from the same website (column 75, lines 14-20: Java applet on a HTML page; column 115, lines 16-26: downloaded at runtime or permanently stored on remote client workstations client business logic applications through Java applet).
- o. Claims 15-17 are of the same scope as claims 1, 3 and 5-6. These are rejected for the same reasons as for claims 1, 3 and 5-6.

- p. Regarding claim 18, Goodman shows characterised in that a push client agent of the browser comprises a plug-in part of the browser software (column 74, lines 47-61: plug-in as a software program).
- q. Regarding claim 19, Goodman shows characterised in that a push client agent of the browser comprises a Java applet or the like embedded in a page downloaded by the browser (column 75, lines 14-20: Java applet on a HTML page; column 115, lines 16-26: downloaded at runtime or permanently stored on remote client workstations client business logic applications through Java applet).
- r. Claims 20-23 are of the same scope as claim 1. These are rejected for the same reasons as for claim 1.

Together Hassett and Goodman disclosed all limitations of claims 1-7 and 11-23. Claims 1-7 and 11-23 are rejected under 35 U.S.C. 103(a).

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassett, Goodman and further in view of Reed et al. (US 6345288 B1), hereinafter referred as Reed.

- a. Hassett and Goodman show claim 1-2 and 6-7 as above. Neither Hassett nor Goodman shows (claim 8) characterised in that the network addresses registered by the browser with the message broker agent/server comprise a bookmark list of the browser. However, Hassett shows (column 1, line 57-column 2, line 5 and column 2, lines 52-61) publishing and subscribing information items (column 28, lines 48-62) by using root-level URLs.

- b. Reed shows using bookmarks to facilitate web page subsequent access (column 3, line 64-column 4, line 28) in an analogous art for the purpose of computer-base communication using metadata defining a control-structure.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Hassett's functions of subscribing information items to utilize Reed's fuctions of using bookmarks to track web page access.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to utilize bookmarks as per Reed's in tracking information subscription services as per Goodman (column 110, lines 46-59), Hassett (column 1, line 57-column 2, line 5) and Reed (column 7, lines 13-58).
- e. Regarding claim 9, Hassett shows characterised in that the network addresses registered by the browser with the message broker agent/server comprise a user selected list of network addresses (column 2, lines 52-61: information items; column 28, lines 48-62: use root-level URLs).
- f. Claim 10 is of the same scope as claims 8-9. It is rejected for the same reasons as for claims 8-9.

Together Hassett, Goodman and Reed disclosed all limitations of claims 8-10. Claims 8-10 are rejected under 35 U.S.C. 103(a).

Remarks

6. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Reilly et al. (US 5740549 A) Information and advertising distribution system and method

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2144

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